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## New Ideas

### Cary Town Councilman Draws Line in the Sand on ETJ

Michael A. Joyce Bashes Extra Territorial Jurisdictions

By [Chad Adams](#)

August 25, 2004

*ETJ's have been an issue of contention across the state of North Carolina for some time. In a press release, one town councilman declared today that enough is enough.*

*Due to this basic flaw in ETJ's, Councilman Joyce declared that "I can no longer in good conscience support my initial vote to request that such a large area of homes and neighborhoods in the southeast portion of Wake County be included in Cary's ETJ."*

Attn: Wake County Commissioners

Re: Cary's ETJ Request

Dear Chairman Gardner:

Please be advised that as an At-large member of the Cary Town Council, I no longer support the Town of Cary's current request for ETJ extension. I further request this letter be distributed to the members of the Commission.

The Town of Cary has recently adopted a land use plan for the Southwest Area (SWAP). During this process the planning staff did an excellent job meeting with the residents within that ETJ area. Most, but not all concerns of the property owners were addressed.

The Town of Cary's Planning and Zoning Board, which is a citizen advisory group, unanimously recommended to the Cary Town Council that one property be granted a single land use at the owner's request.

The Cary Town Council disregarded the property owner's request as well as the recommendation of the P & Z Board. The Council voted 6-1 to divide the land arbitrarily based on a location of a stream buffer rather than use the boundaries of the property.

According to the Town Attorney, the only recourse the property owner has it to, 1) attempt to receive zoning that differs with the land use plan, which is highly unlikely due to the decision of the Council, or 2) take legal action against the Town.

There is a fundamental failing in the ETJ process, which does not allow those in the ETJ to appeal to the elected body that governs them as taxpaying citizens of an unincorporated area of Wake County. The property owners must be able to appeal to the governing body in which they elect.

I can no longer in good conscience support my initial vote to request that such a large area of homes and neighborhoods in the southeast portion of Wake County be included in Cary's ETJ. For me to continue my support would require the ETJ laws in NC to be changed to allow an appeal process with the governing body of which the property owner elected, or the municipality regulating the ETJ voluntarily allow an appeal process within the county jurisdiction.

Thank you very much.

Sincerely,

Michael A. Joyce  
Cary Town Council  
At-large Representative  
Cary, NC  
919-460-8558

